

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 10

February 11, 1998, 10:02 am
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HUMAN CLONING PROHIBITION ACT/Cloture, motion to proceed

SUBJECT: Human Cloning Prohibition Act of 1998 . . . S. 1601. Lott motion to close debate on the motion to proceed.

ACTION: CLOTURE MOTION REJECTED, 42-54

SYNOPSIS: As introduced, S. 1601, the Human Cloning Prohibition Act of 1998, will prohibit the use of somatic cell nuclear transfer technology for the purpose of human cloning. It will also prohibit the importation of cloned human embryos created by somatic cell nuclear transfer. Violators of these prohibitions will be subject to criminal penalties of up to 10 years imprisonment and of up to \$250,000 in fines. Civil penalties will apply as well, including the forfeiture of any profits gained from this type of cloning. The bill will also establish the National Bioethics Commission, which will be appointed by the bipartisan congressional leadership. The commission will provide an independent forum for broad public participation and discourse concerning important bioethical issues, including cloning. Members of Congress and members of the Executive Branch will not be allowed to serve on the commission. The commission will report to Congress annually. No prohibition will be placed on plant or animal cloning research, gene therapy research, or similar genetic research that does not involve the creation of human clones using somatic cell transfer (which is the technique that was recently used to clone a sheep). Finally, the bill will make the following finding: "Congress finds that in order to prevent the creation of a cloned human individual through somatic cell nuclear transfer technology, it is right and proper to prohibit the creation of cloned human embryos that would never have the opportunity for implantation and that would therefore be created solely for research that would ultimately lead to their destruction."

On February 5, 1998, Senator Lott, for himself and others, moved to close debate on the motion to proceed to the bill. Generally, those favoring the motion to invoke cloture favored the bill; those opposing the motion opposed the bill.

NOTE: A three-fifths majority (60) vote is required to invoke cloture.

Those favoring the motion to invoke cloture contended:

"And he formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul."

(See other side)

YEAS (42)		NAYS (54)			NOT VOTING (4)	
Republicans (42 or 78%)	Democrats (0 or 0%)	Republicans (12 or 22%)	Democrats (42 or 100%)		Republicans (1)	Democrats (3)
Abraham	Hagel	Bennett	Akaka	Inouye	Warner ⁻²	Bryan ^{-3AN}
Allard	Hatch	Campbell	Baucus	Johnson		Levin ⁻²
Ashcroft	Helms	Chafee	Biden	Kennedy		Reid ⁻⁴
Bond	Hutchinson	Collins	Bingaman	Kerrey		
Brownback	Hutchison	Jeffords	Boxer	Kerry		
Burns	Inhofe	Lugar	Breaux	Kohl		
Coats	Kempthorne	Mack	Bumpers	Landrieu		
Cochran	Kyl	Roth	Byrd	Lautenberg		
Coverdell	Lott	Smith, Gordon	Cleland	Leahy		
Craig	McCain	Snowe	Conrad	Lieberman		
D'Amato	McConnell	Specter	Daschle	Mikulski		
DeWine	Murkowski	Thurmond	Dodd	Moseley-Braun		
Domenici	Nickles		Dorgan	Moynihan		
Enzi	Roberts		Durbin	Murray		
Faircloth	Santorum		Feingold	Reed		
Frist	Sessions		Feinstein	Robb		
Gorton	Shelby		Ford	Rockefeller		
Gramm	Smith, Bob		Glenn	Sarbanes		
Grams	Stevens		Graham	Torricelli		
Grassley	Thomas		Harkin	Wellstone		
Gregg	Thompson		Hollings	Wyden		

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

And the biotechnology researcher said, "Let me make men in my image, after my or my customer's likeness, and let me have dominion over them, for spare parts, and for experiments, and for any monstrosity I may desire to inflict." Genesis is being rewritten and many of our colleagues are applauding or are standing paralyzed by the old, evil claim that the end justifies the means. Cancer, diabetes, and all other known ailments may be cured, and man may even become immortal if Brave-New-World researchers are not stopped from creating, mutating, and destroying new human lives in order to develop treatments for others. Medical science is advancing. A sheep has been cloned, and at least one scientist in America says it is his immediate intention to use the process used on the sheep to clone a human, and he says he knows of at least ten clinics in the United States that are eager to help him. The cloning of the sheep, however, did not merely create the immediate danger that immoral researchers in the United States will rush to create human clones to be born; it also created the immediate danger that they will rush to create them, in assembly-line fashion, for medical experiments in which they will be created and then executed for their body parts.

This debate is overdue, and is only one of many that we believe Senators are morally bound to have. The current situation in America is that there are no effective restrictions on any nascent Dr. Frankensteins. Scientists are busy mixing and matching animal, and human, genetic materials. Human beings are created in petri dishes by lab technicians--embryos, but we all once were embryos. All we have done is grow and get older. If these new humans are lucky, they may be implanted in a mother's womb and live. Others may be experimented upon; maybe a little poison will be added to see if most of the growing human can be killed, leaving perhaps only stem cells for specialized heart muscles, which will continue to multiply. Those remnant cells of what was a growing human being, before he or she was deliberately destroyed, may then be used as transplant tissue for people with heart disease, people obviously who did not have the misfortune of being created in a scientist's laboratory to be turned into medical supplies. "Bone of my bone, flesh of my flesh," medical cannibals have created you for a selfish world.

No legal limits exist as to what can be done, and medical science is moving so rapidly that there will soon be no practical limits. The immediate, moral danger is that scientists may start producing hundreds or thousands of cloned human embryos, for implantation, experimentation, spare parts, or any other horrifying use they may desire. As science advances, experimenters, through trial and repeated fatal error, will gradually extend the length of time they are able to keep alive, in vitro, a growing human being. In the not too distant future, we may well have children running around who were not born, but were decanted. In the partial-birth abortion debate of the future, will Senators be arguing that as long as only the baby's body is lifted out of the bottle, but the head is still submerged, it is acceptable to take that baby's life? We will someday reach the point that it will be possible to create a new human life without using existing life. When scientists are able to take the basic DNA building blocks, and splice them together from dust to recreate humanity, should they? Would it be desirable, for instance, to genetically engineer geniuses with perfect physical health and pre-selected personalities? The Nazis had that dream.

Members usually spend their time debating money. Still, they are forced at times to debate much more important issues, particularly abortion, which go to fundamental beliefs about what it is to be human. Most Members have decided their views on abortion long ago. The most fanatically pro-choice Members take care never to express any sympathy for a baby before he or she is born. To them, an unborn baby must be called a fetus, and a woman must always have the right to say whether or not that fetus will be killed. They repeat the Supreme Court's edict on abortion, which they are aware allows abortion right up to the moment of birth. The Court decided an unborn baby in the second or third trimester has some limited rights, but the woman's rights, such as the right not to suffer emotional distress, always override the baby's right to live.

Pro-abortion Senators will not express any shock or dismay at the prospect of creating humans in vitro for experimentation and destruction. Decades of pro-abortion rhetoric have conditioned them to deny any human feelings they may have for unborn babies. If they were to admit that babies created outside of a mother had human value, then they would have to admit that they had human value when they were inside a mother, which their pro-abortion rhetoric will never allow them to do. Therefore, they express only excitement at all of the wonderful benefits that could come from experiments on cloned human embryos. They have introduced a bill, the Feinstein/Kennedy bill, that will ban only the implantation, temporarily, of cloned babies into women's wombs. The bill was not offered out of any concern for the cloned babies. Instead, our colleagues have noted that it took the researcher who cloned the sheep nearly 300 tries before he succeeded in implanting a cloned embryo that resulted in a healthy lamb. They have talked only about how tragic it would be for a woman to be misled into thinking how effective this method would be, when in reality, if it succeeded at all, she would likely have a baby with severe mental or physical problems. The Feinstein/Kennedy bill will allow scientists to do unlimited human cloning experiments in their test tubes. Any innocent babies they create will not be implanted; in fact, it will be illegal to give them a chance to live. By law, the Feinstein/Kennedy bill will allow the creation of innocent human life for experimental purposes, but only on the condition that the scientists promise they will discard those innocent lives once they are done with their experiments (assuming the experiments themselves do not kill them). A few of our colleagues, thankfully, seem to think that even if cloning were safe and effective there are still other moral concerns; others seem happy with the Food and Drug Administration's position that they should be temporarily banned, until they are safe and effective.

The Bond/Frist/Gregg bill, in contrast, will stop, immediately, all human somatic cell transfer experiments. In reproduction, the nuclear material from an egg combines with the nuclear material from a sperm to create a zygote, a genetically new individual. The cell created from that combination is "totipotent," meaning that the natural process for it will be to grow into a completely

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differentiated adult. Each cell in that adult's body will contain an exact DNA copy of the nucleus of that original cell. The only natural cell that is totipotent is from reproduction. In the sheep cloning experiment, the nuclear material from an adult sheep's egg was removed and was replaced with the nucleus taken from another of that sheep's cells. The result was an unnaturally created totipotent zygote that was an exact reproduction, or clone, of the adult sheep. One medical researcher, whom no one denies has the technical expertise to do so, has already said that he intends to begin using the same techniques with humans, and he knows of at least ten laboratories that are eager to assist him. We would not be at all surprised if experiments were already underway, either by him or by others. The main research groups, which have invested a lot of money and stand to make fortunes with medical research from human cloning, promise only that "at this time" they will not yet try to clone a "child." Does that mean they favor cloning humans and experimenting on them, as long as they do not reach the age that they call a "child?" Further, that weak, voluntary, and temporary moratorium does not apply to everyone. The danger of human cloning is not in the distant future--it is immediate. Any Senator who says we need more time to study and debate the issue bears culpability for experiments that occur in the meantime.

Many pro-life Senators have been misled into believing that the Bond/Frist bill will stop stem cell research. The reality is that it will allow such research to continue, provided it did not involve the deliberate creation and destruction of human beings. All cells in a human body contain exact copies of the DNA from the original totipotent cell. Though the DNA is the same, the cells take many different specialized forms. Those specialized cell types cannot produce other types of cells. One type of cell, though, can produce many different types of specialized cells, but not an entire human being. This type of "pluripotent" cell, called a "stem cell," is undifferentiated, meaning it is not specialized. Medical researchers are very interested in using stem cells to treat a variety of medical problems. One type of stem-cell treatment--bone marrow transplantation--has already been in use for many years. Those transplants result in the production of a whole host of different types of white blood cells, red blood cells, and platelets. Stem-cell research holds great promise for treating a variety of genetic and other ailments. The National Bioethics Advisory Commission (NBAC), which was created by President Clinton to study the issue of human cloning and to make recommendations, came to the following key conclusion on stem-cell research: "Because of ethical and moral concerns raised by the use of embryos for research purposes, it would be far more desirable to explore the direct use of human cells of adult origin to produce specialized cells or tissues for transplantation into patients." The NBAC further recommended more animal experiments to learn better the processes of cell differentiation, and noted that, "Another strategy for cell-based therapies would be to identify methods by which somatic cells could be de-differentiated and re-differentiated along a particular path. This would eliminate the need to use cells obtained from embryos." We add that there is never such a "need"; it is never justifiable to create a medical treatment that requires the destruction of an innocent human life. Such treatments should not be developed, period. Congress' moral obligation is to require researchers who are pursuing stem-cell therapies to come up with means of gaining stem cells that do not involve the destruction of innocent human lives. Researchers who violate such a basic moral principle should be imprisoned (this bill provides such criminal penalties; the Feinstein/Kennedy bill just imposes civil penalties, and those penalties only apply for implanting a human embryo that its sponsors believe should be destroyed instead). We do not deny that an easy way for researchers to get human stem cells is to create a new human life, allow the baby to grow to the point that the desired cells are beginning to develop, and then harvest the desired stem cells and discard the remains. Neither do we deny that Dr. Mengele and other medical monsters past and present are able to advance medical knowledge rapidly due to their disregard for human life. We are not concerned with what is convenient for immoral researchers; we are concerned with what is right.

In the partial-birth abortion debate, the American Medical Association was slow to endorse a ban; it did not act until after even leading late-term abortionists admitted that it was totally unjustifiable to perform such abortions. Further, as our pro-abortion colleagues like to point out, some medical groups still oppose a ban on partial-birth abortions. Similarly, we are sickeningly aware of prominent and "well-respected" medical experts who have taken radical public positions on life issues, such as saying that "human" should be defined as beginning two days after birth, so doctors can legally kill infants who are born with inconvenient mental or physical disabilities. Our point is not that most doctors endorse "medical" practices that horrify most Americans; we do not believe they do. Most doctors are sickened by partial-birth abortions and they strongly oppose infanticide; however, they are reluctant to support laws restricting other doctors. Instead, the medical community tends to believe that it should be trusted to police itself on moral and ethical issues. Frankly, on issues of human life in its early stages, it is failing.

Senator Frist, as we are all aware, is a world-renowned transplant surgeon. Due to his expertise, he has been and is aware of the immediate moral and ethical concerns that are being raised by advances in genetic research. Last year he chaired two Senate hearings on cloning, the second of which specifically addressed the moral and ethical implications of human cloning. Those hearings were very thorough. Everyone, including the biotechnology industry groups that hope to profit from human cloning advances, had an opportunity to testify. This bill has been drafted based on his medical expertise, those hearings, and the immediate need to stop researchers from using somatic cell transfer technology to clone humans. Another hearing will not result in any new information; it will result only in delay. In the meantime, researchers will be free to create, and to destroy, human life using that technology. Sadly, many of our colleagues have been persuaded that further hearings are needed, so we know we will fail to invoke cloture today. We hope that this setback is only temporary. Congress has a moral duty to stop human cloning. The question is not whether it is possible; it will happen if Congress does not act. The only question is whether Congress has the will and decency to stop it.

Those opposing the motion to invoke cloture contended:

Argument 1:

The Biotechnology Industry Organization, which represents literally hundreds of genetic researchers, strongly opposes this bill. So do numerous patient and medical research groups. One letter sent to Members on January 26, 1998, that is signed by the Cystic Fibrosis Foundation, the Parkinson's Action Network, the AIDS Action Council, the American Diabetes Organization, and many other groups, sums up the reasons for this opposition very well. The letter first notes, "that it is unacceptable at this time for anyone in the public or private sector, whether in a research or clinical setting, to create a human child using somatic cell nuclear transfer technology." We wholeheartedly agree with that assessment. Trying to implant a cloned human embryo into a woman's uterus would pose numerous dangers for that woman. Our colleagues should be aware that it took 277 implants before the researcher in Scotland finally managed to clone Dolly (the sheep). The cloned DNA was from mature, adult cells, and there were countless abnormalities and miscarriages. Obviously, there is a lot to learn about getting adult DNA to work properly in an embryo. Further, even if a scientist succeeded in getting a cloned fetus to grow inside a woman, we would not know what type of physical or developmental disabilities the resulting cloned baby might end up having. Due to the medical uncertainties, the Food and Drug Administration has already asserted authority over human cloning. The FDA has said it will not approve such cloning until it has been proven to be safe and effective. Therefore, the basic premise of our colleagues--that we need to rush to judgment on this issue because if we do not researchers will attempt to clone humans--is false. The FDA has already acted. Some of us think that even if it eventually is made safe and effective there will still be some moral considerations. For instance, will there be restrictions on who may be cloned? Obviously Americans will not approve of the cloning of thousands of Adolph Hitlers or other villains of history. The second major point made by the letter is that, "Poorly crafted legislation to ban the cloning of human beings may put at risk biomedical research." In particular, and this point has been made to us by nearly every medical research group in the country, is that the Bond/Frist/Gregg bill threatens to stop very promising stem-cell research, which may lead to cures for virtually all illnesses and injuries. As the Biotechnology Industry Organization pointed out in a letter to Congress, the Bond/Frist/Gregg bill will make it illegal to make a cloned human zygote even if there is no intent to try to implant that zygote in a woman's womb to become a cloned child. The letter further points out that creating such zygotes poses a very promising means of creating stem cell therapies that are customized for individual patients. Adults do not have many stem cells, which can differentiate into specialized cells like skin cells or heart muscle cells. Thus, it is difficult to harvest those cells to make cultures of new heart muscle or new skin. However, if a human zygote with an adult's DNA is created, the embryo will develop and will produce an ample supply of stem cells that can be harvested when the embryo has grown sufficiently. Researchers hope to be able to create cloned human embryos not to produce new humans, but to alter them as they grow to produce new skin, new nerve cells, new hearts, and other new organs and body parts that are customized to each patient. The parts will have exactly the same DNA so they will not be rejected. We think that it would be a tragedy if the Senate, in its zeal to ban the creation of cloned human beings, inadvertently blocked such promising medical research. The rival Feinstein/Kennedy bill has a much more targeted approach. If our colleagues allowed us to consider it, we are sure it would pass overwhelmingly. Unlike the Bond/Frist bill, it would only ban implantation of cloned embryos. Research would be unaffected, and women's health would not be put at risk. Really what is needed at this point, as is demonstrated by the outcry from the medical community, is a very thorough debate of the issue. We need more hearings and more consideration before we rush to judgment. Therefore, we strongly urge our colleagues to vote against cloture.

Argument 2:

A number of patient and medical research groups have urged us to vote against cloture. We also have a letter from 27 Nobel laureates urging us not to support this bill. Their concern is that the bill will do far more than ban human cloning. They tell us that it will also greatly inhibit promising stem cell research. We have lost loved ones to such diseases as cancer, diabetes, and Alzheimers; we do not want to stand in the way of possible cures that will save other people from similar fates. Though there have been some hearings on cloning, there have not been any hearings on the particular language of this bill. We would like for hearings to be held so we can reach a consensus on how to ban cloning. This vote is difficult for us. We support efforts to ban human cloning. However, we cannot pass such legislation at the risk of stopping promising medical research. Therefore, with reluctance, we oppose the motion to invoke cloture.